

RULES AND PUBLIC POLICY COMMITTEE

DATE: December 3, 2009

CALLED TO ORDER: 5:32 p.m.

ADJOURNED: 6:02 p.m.

ATTENDANCE

ATTENDING MEMBERS

Robert Lutz, Chairman
Bob Cockrum
Monroe Gray
Barbara Malone
Lincoln Plowman
Joanne Sanders

ABSENT MEMBERS

Angela Mansfield
Marilyn Pfisterer

AGENDA

PROPOSAL NO. 456, 2009 - reappoints Jennifer L. Ping to the Alcoholic Beverage Board of Marion County
"Do Pass" Vote: 6-0

PROPOSAL NO. 457, 2009 - approves a request of the Metropolitan School District of Washington Township to certify its public question referendum to the County Election Board for the May 2010 election
"Do Pass" Vote: 6-0

PROPOSAL NO. 458, 2009 - amends the Code with respect to the number of committee meetings for which a councillor may be compensated in any calendar year
"Do Pass" Vote: 5-1

RULES AND PUBLIC POLICY COMMITTEE

The Rules and Public Policy Committee of the City-County Council met on Thursday, December 3, 2009. Chairman Robert Lutz called the meeting to order at 5:32 p.m. with the following members present: Bob Cockrum, Monroe Gray, Barbara Malone, and Lincoln Plowman. Joanne Sanders arrived shortly thereafter. Angela Mansfield and Marilyn Pfisterer were absent. Councillor Michael McQuillen was also in attendance. General Counsel Robert G. Elrod represented Council staff.

Chairman Lutz asked all Councillors to introduce themselves and indicate which area of the County they represent. Councillor Lutz asked for consent to move Proposal No. 458, 2009 to the top of the agenda. Consent was given.

PROPOSAL NO. 458, 2009 - amends the Code with respect to the number of committee meetings for which a councillor may be compensated in any calendar year

Councillor McQuillen said that this proposal changes the number of potential compensated committees from 40 to a maximum of 50. This proposal is in response to the last couple of years, when a number of Councillors from both sides of the aisle have gone over their 40 committee meetings and have not been compensated for those extra meetings. He said that he has personally never exceeded the 40 meetings and does not expect to this year, but it is his contention that if a Councillor is elected to serve and is appointed to committees to handle Council business, then they should be compensated for their time.

Chairman Lutz asked Councillor McQuillen to confirm that this proposal does not increase the pay per committee meeting. Councillor McQuillen said that the pay is still \$62 per committee meeting, and this simply allows that a Councillor who might attend 43 meetings in a calendar year to get paid for those extra three meetings.

[Clerk's Note: Councillor Sanders arrived at 5:35 p.m.]

Sandra Mowell, citizen, asked since the budget has already been approved, where the money will come from to pay for this increase. She said that all other agencies have been asked to operate at 95% of their budget, and therefore, the Council should instead be reducing their meetings to 38 instead of raising them to 50. She said that the timing for this increase seems wrong.

Chairman Lutz said that the proposal does not raise the compensation and is therefore not increasing the budget. He said that this proposal will not impact him at all, since he has never gone over 35 meetings. However, there are some members, such as the President or Minority Leader who probably exceed 40 meetings because of the number of committees on which they serve, and because of extra meetings called. He said that Councillor Marilyn Pfisterer hit 40 meetings in October and has not been paid for any meetings she has attended since that

time. He said that these Councillors are still spending their own money on gas to attend hearings and contributing their time and expertise, yet not getting paid for it. He said that this proposal does not raise the pay of Councillors, but simply raises the number of committees for which they can be paid if they actually attend and do the work.

Councillor McQuillen added that this proposal will not affect the overall budget. This simply provides a maximum number of committees for which members can receive compensation. However, some Councillors never even come close to the 40 meetings, and one Councillor in particular has only attended six meetings this year. He said that it will end up being a wash, because although some may go over 40 meetings, others will not even get near that mark. With respect to the budget, he added that the Council returned \$300,000 to the General Fund last year through underspending, and they have tightened their belt again this year and do not usually even come close to spending 100% of their budgeted amount. He said that this proposal will not significantly affect the budget or Council pay.

Ms. Mowell said that this is a time when all are being asked to sacrifice, and she and many others serve in a voluntary capacity where they do not get paid for their time. She said that maybe Councillors could attend a few more meetings a year without pay and take a little less money as a public servant to help out in these difficult times. Chairman Lutz said that he does not disagree with Ms. Mowell's point, but looking at the big picture, Councillors actually get paid very little for what they do and the time they spend doing it. Most of the Councillors have full-time jobs, and also spend another 20 to 25 hours a week on Council work. The Council salary is 12% of the Mayor's salary, with \$112 for each Council meeting attended, and \$62 for each Committee meeting. Ms. Mowell said that some Councillors also get compensated more for holding chair positions or president, vice president or caucus leader positions.

Ms. Mowell added that some of those who go over their allotted meetings serve on the more powerful committees, and maybe serving on those committees should be considered a compensation of sorts. She said that if one party is in power and there are more meetings, they should take the extra meetings as an added advantage of being in power. Chairman Lutz stated that it is actually the minority party who tend to have to attend more meetings and serve on more committees, because of the make-up of the committees. Ms. Mowell said that it seems to her to be the people who have the most seniority and are members of the majority party who attend the most meetings. Chairman Lutz stated that the history as to why a limitation was placed on the number of meetings is linked to a time when there were 23 Republican Councillors and only six Democrat Councillors. He said that the Democrat Councillors still had to provide a certain amount of representation on each committee, which meant that they had to serve on more committees and were attending more than 50 meetings a year. He said that this is why there was a limit added.

Ms. Mowell said that there is one Council member, Ed Coleman, who does not serve on any committees, and maybe they need to consider putting him on one committee and letting him serve in order to take the burden off of others having to attend too many meetings. She said that this is a bad time to ask for more compensation.

Councillor Gray stated that those who are over the limit are probably members who serve on multiple committees. If it is a problem for a member going over their 40 meetings, maybe they should ask to come off of one of the more frequently meeting committees and let someone who does not have as many meetings take that spot. He said that in looking at that list, he would imagine most of those going over are on at least three committees.

Councillor Plowman asked how many members are exceeding their 40 meetings. Councillor McQuillen stated that there will be maybe four or five going over this year. Councillor Gray asked how many committees each of these members serve on. Councillor McQuillen said that they are probably on three committees apiece. Councillor Cockrum said that almost all members are appointed to three committees each, at least with the majority party. He said that some of the committees call additional hearings to hear items with a larger impact, and that adds to the number of meetings. He added that they also need to keep in mind that some are serving on additional committees or task forces that are not standing committees, and those members do not get any compensation for attending those meetings.

Councillor Malone moved, seconded by Councillor Plowman, to send Proposal No. 458, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-1, with Councillor Gray casting the negative vote.

Chairman Lutz asked for consent to explain his vote. Consent was given. Chairman Lutz said that he shares some of the same concerns that were brought up this evening, but is voting in favor of sending the proposal on to the full Council for full discussion. He added, however, that he may not vote in support of the measure at the time of the full Council vote.

Ms. Mowell said that the committee might need to consider an amendment to require that members be present at the start of the meeting to receive compensation. She said that at the full Council meetings, if a member is present at roll call, they get compensation, but do not if they are absent. She said that there is no such stipulation at committee meetings. She said that the Council should consider amending the committees to be like the Council, so that members get compensated if they are there at the beginning, but that they cannot show up the last few minutes of the meeting and still get compensated.

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders said that there are fewer members in the minority party, and yet they still have to have representation on each of the committees. Some choose to sit on only two committees because almost all of them have full-time jobs and have to consider how frequently they can serve given their other commitments. The leadership cannot mandate that a member serve on more than they feel they can, so some members agree to serve on more committees to help fill the void. She said that most of their members will not get to the maximum of 50 meetings, but others who might should not be penalized just because of the size of their caucus.

PROPOSAL NO. 456, 2009 - reappoints Jennifer L. Ping to the Alcoholic Beverage Board of Marion County

Chairman Lutz asked Ms. Ping to indicate how long she has served on the board and the most surprising thing she has learned while serving on the board. Ms. Ping said that she was appointed in March of 2007, and therefore has served almost two years. She said that she has learned that Marion County is a very diverse County. In getting to know the neighborhoods through interaction with restaurants and other establishments, she has come to see that Marion County is a wonderful multi-cultural environment.

Chairman Lutz asked how many meetings the board has a year, and what Ms. Ping's attendance record has been. Ms. Ping said that the board meets twice a month, the first and third Monday of each month, and therefore has 24 meetings a year. She said that she has attended all meetings but one this year, which was due to illness.

Councillor Cockrum moved, seconded by Councillor Sanders, to send Proposal No. 456, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 457, 2009 - approves a request of the Metropolitan School District of Washington Township to certify its public question referendum to the County Election Board for the May 2010 election

Chairman Lutz stated that with this proposal, they are not approving any kind of fiscal impact, but are simply certifying the statutory language. In recent such proposals for Franklin Township and Beech Grove, the State statute seems more or less a directive that the Council approve such requests.

Jim Mervilde, Superintendent of Washington Township Schools, introduced Joseph Licata, Chief Business Officer. Mr. Mervilde said that, in 2003, Washington Township passed a General Fund referendum, and the school board took action at the same time to neutralize the effect of the referendum, so that there would be no tax increase. Now, seven years later, the statute requires that they renew the referendum. Their intent is to renew the referendum at the Primary Election in May, 2010, so that there is no extra

cost to the taxpayers. Mr. Mervilde said that they have learned a lot in seven years, but realize that the basics are still the same. The referendum will be a little smaller this time; seven years ago it was approximately a ten cent rate and this year it is eight cents, but the principal is still the same. They intend to move ten cents of the rate from the Capital Projects Fund into the Referendum Fund and then use that Referendum Fund to support their General Fund work, which covers teachers, administrators, classroom assistants, and those who work directly with the children. Mr. Mervilde stated that Washington Township is relatively underfunded, being about 232nd out of 293 Indiana districts, with respect to the support it gets from its General Fund. He said that this will be a great value for taxpayers, since they intend to neutralize the tax increase. He said that they have a citizens' committee that has formed a 501(c)4, and they will run the campaign and are simply waiting for the township to take the legal step to place the referendum on the ballot.

Councillor Malone asked if the ballots for this referendum will be in all of Washington Township or only those areas where the schools are impacted. Mr. Mervilde said that these ballots will be in the precinct polling places within the Washington Township School District. He said that they will not be in those polling places where children attend Indianapolis Public Schools. Chairman Lutz asked if the referendum will only be on the ballots in the areas where the taxpayers actually fund the school district. Mr. Mervilde answered in the affirmative.

Councillor Sanders asked into what fund the eight cents referred to in the current question will go. Mr. Mervilde said that the eight cents will go into a separate fund called the Referendum Fund. The Referendum Fund, at the direction of the school board, will be used to help subsidize the General Fund. However, at the same time that the board passed this referendum, they passed another resolution to neutralize the effect of the eight cents for seven years, by reducing the Capital Projects Fund by eight cents, so that the process is tax neutral. Councillor Sanders asked if the previous referendum seven years ago was the same. Mr. Mervilde answered in the affirmative and said that statute requires that they create this fund, which indicates that they will have a tax of eight cents. In an effort to make sure taxpayers understand that they are intending to neutralize that tax, they passed a concurrent resolution both times to effect that neutrality. .

Councillor Gray said that with the previous referendum there was some tax increase. Mr. Mervilde said that this happened before he was superintendent, but there was no actual tax increase as a direct result of the referendum the first time. However, Washington Township is a school district full of 50-year-old buildings. The question then became whether or not they could ever generate enough money in the Capital Projects Fund to fix those buildings, and the answer is that they probably cannot. Mr. Mervilde stated that in 2005, just before he became superintendent, the district entered into a compromise agreement with some people in the community who were concerned about the level of money that was proposed in an additional bond issue for some of the buildings. They are in the second phase of that \$50 million compromise bond issue.

The first phase of \$20 million included work on the North Central Natatorium and other improvements in that area, and the second phase of \$30 million, which they are probably a third of the way through at this point, is for Heating Ventilation and Air Conditioning (HVAC) and roof upgrades on several buildings. Councillor Gray said that he represents Washington Township and got caught up in a lot of tax misunderstandings in the last election. He said that many of the Washington Township residents were upset about their tax increases and some did not understand that when they voted for the bond issuance, that brought along an increase in taxes to offset that expense. He said that he is not sure that portion of the transaction was explained well to taxpayers. The residents wanted better schools but did not realize it brought about a tax increase. Those people who were elected were blamed for the increases, even though the citizens themselves voted in that change. He said that it is important to let people know exactly what they are voting for and that they are ultimately the ones responsible for making that decision. Mr. Mervilde said that most of the other school districts in Indiana have gone through the phase where they have redeveloped and renovated their 50-year-old buildings. Washington Township has not. The passing of the first referendum did not approve the building projects; that was the result of a compromised bond issuance between the superintendent, board and community groups. That was a time when the remonstrants' law was in effect, as opposed to the referendum. The district has been faithful to that compromise and began a strategic planning process a couple of years ago. Mr. Mervilde said that they have talked very specifically about the need to renew the referendum and to continue to discuss the condition of the facilities in Washington Township to ensure that they are adequate for the district's needs. He said that they are committed to continuing to educate the citizens on these issues. The ultimate safeguard in place now is the referendum law, and any building project to be done in Washington Township would be above the tax caps and would be subject to a referendum.

Councillor Gray moved, seconded by Councillor Sanders, to send Proposal No. 457, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:02 p.m.

Respectfully Submitted,

Robert Lutz, Chairman

RL/ag